

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANA JENNINGS and JOSEPH A. :
FURLONG, Individually and on Behalf of :
All Others Similarly Situated, :
: Plaintiff, : CIVIL ACTION NO. 21-5400
v. :
CARVANA LLC, :
: Defendant. :

STIPULATED SCHEDULING ORDER

Plaintiffs Dana Jennings and Joseph A. Furlong (“Plaintiffs”) and Defendant Carvana, LLC (“Carvana”), by and through their undersigned counsel, hereby jointly submit this Stipulated Scheduling Order and agree as follows:

WHEREAS, Plaintiffs filed this action on or about November 5, 2021, in the Court of Common Pleas, Philadelphia County, Pennsylvania, under the caption *Jennings, et al. v. Carvana, LLC*, Case ID 211100526 (ECF 1, Ex. 1);

WHEREAS, Plaintiffs served Carvana with a copy of their Complaint on November 12, 2021 (ECF 1, Exs. 2-3);

WHEREAS, Carvana timely filed a notice of removal of this action from the Court of Common Pleas, Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania on December 9, 2021 (ECF 1);

WHEREAS, pursuant to Federal Rule of Civil Procedure 81, the current deadline for Carvana to file an answer or otherwise respond to the Complaint is seven (7) days after the date of removal, or December 16, 2021;

WHEREAS, Plaintiffs do not intend to move to remand this action to the County of Common Pleas, Philadelphia County, Pennsylvania at this time based on the representations of Defendant that this Court has jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. §§ 1332(d), 1453 (“CAFA”) (but Plaintiffs reserve their right to move for a remand later if it turns out that this Court’s limited jurisdiction under CAFA cannot be sustained based on actual evidence);

WHEREAS, Carvana intends to file motions to compel arbitration of the claims asserted in Plaintiffs’ Complaint on an individual, non-class basis and to dismiss or stay this action and Plaintiffs intend to oppose this relief;

WHEREAS, Carvana is also evaluating whether to move to dismiss this action on other grounds;

WHEREAS, nothing in this Stipulation shall preclude Plaintiffs from requesting any other relief they deem to be appropriate under the circumstances of this case and the pleadings and papers before the Court;

WHEREAS, in the interests of facilitating the efficient resolution of the Parties’ dispute, avoiding duplicative briefing, and conserving judicial resources, the Parties jointly propose the following schedule to the Court for its consideration of the potential and/or anticipated motions discussed above;

IT IS THEREFORE STIPULATED AND AGREED THAT the deadline for Carvana to move to compel arbitration on a non-class basis of the claims in Plaintiffs’ Complaint and/or move to dismiss shall be set as thirty (30) days from entry of this Stipulated Scheduling Order.

Dated: December 15, 2021

Respectfully submitted,

/Paul G. Gagne/

Paul G. Gagne, one of the Attorneys for
Carvana, LLC

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Respectfully submitted,

/Robert P. Cocco/

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IT IS SO ORDERED this 22nd day of December, 2021

/s/ Edward G. Smith

Hon. Edward G. Smith
United States District Judge